



Rights and Conditions of Persons with Disabilities in India

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1 PERSONS WITH DISABILITY IN INDIA

1.1 INTRODUCTION

“ I am tired of living like this depending on others for my survival, being a burden on the society , why did the lord punish me like this.” these were the words of my father when he lost his vision 100% after a brain tumor surgery. After seeing the world for over 40 years, after serving the country for more than 20 years as he was in the Indian Air Force, he unfortunately lost his eye sight. But with full support from his wife and daughters he continued surviving and he continued fighting for his battles.

The meaning of the term “ persons with disability” means any human being with a physical disability.

The disability can be of any body part i.e. disability of eyes, disability of ears, disability of any other body part.

Disability is nothing but being unable to use a body part because of an injury or maybe from birth.

So a person who is not able to use his body part is known as the person with disability. India has a large number of People who are disabled. The population of the country that we live in is about 136.64 crores (according to 2019 survey) and from that population of person with disabilities is around 2.68 crore. That means around 2% of the population of the country is disabled. The term disabled or physically handicapped or physically challenged are not sensitive enough that is why these words are not appreciated while mentioning a person with disabilities. The term “ differently abled” is used while mentioning persons with disabilities. People in India have a very backward thinking due to which they treat disabled people with very negative approach. In India if a person is born with disability he is killed at birth if he belongs to a poor background because they think he will be a burden for the family when in reality in today’ s world there is nothing that a disabled person cannot do. We see so many examples in the news daily about physically challenged people doing things that even normal people cannot do. They are doing adventurous activities such as climbing the Mt. Everest which is so difficult even for a fit person. They are doing so well in academics and every other fields as well. Even the Government is doing their best to empower the people with disabilities. Government is opening schools which are especially for the disabled people. And these schools are tariff free so that even the poor people can join. like there are schools for the blind where the blind people are being taught to read with brail scripts, they are being taught to run a computer and also mobile phones, they are being taught to walk with a stick all of these things are making them independent so that they don’ t need anybody else to do their work for them because after a certain time even families get tired of doing their work for them so it is very important to make them independent. Many laws are also made for the rights and protection of the persons with disability so that they don’ t get mistreated and also so that they know their opportunities. Government is also giving them job opportunities where there is a quota that is specially booked for the people with disabilities. So in today’ s world even the disabled people are independent and doing jobs and earning so that they don’ t rely on others which is a huge change as in old times there were no opportunities like this for the disabled people. Government also provides transportation facilities for the people with seats reserved for disabled people. Even our Prime Minister Mr. Narendra Modi ji has empowered the disabled people by calling them Divyangjan that means those with divine abilities. So it is really nice to see that the government is doing so much for the welfare of the people with disabilities. So in today’ s world you don’ t have to give sympathy to the disabled people because they have the equal opportunities but the question is are they availing those opportunities or not because many people who come from a poor background doesn’ t have knowledge that there is so many opportunities for the disabled people. Because they are not aware about these opportunities.

1.2 HISTORY

In the old times there were no rights for the people with disabilities in India. There were no opportunities for them neither they were considered to be as equals. They used to face a lot of discrimination and they were looked down upon by the society they were not given job opportunities most of

them were seen on the road as beggars and the fortunate ones became musicians. They were considered to be as useless. The difficulty level for them to survive was very high as there were no traveling facilities for them as we see in today's time for example in Delhi metro as well as Delhi Buses there are seats reserved for the disabled people but it was not like this in the past and people got tired of being sympathized and they finally got aware and they started raising their voice and Disabilities rights movement was the result of it. So it all started when in 1970 first time the voices were raised for demanding the rights of the people with disabilities but the voices were not together it was scattered. In 1980's many NGO's were starting to build up for the protection of the people with disabilities. In 1995 new era came when the disabled people first saw a light of hope when the government finally opened educational institutions for the blind people. In 2006 a committee was formed with different disabled people who drafted the bill for the rights of the people with disability which was later on enacted. In 2007 India signed a UN convention on the rights of persons with disabilities. In 2016 finally the bill was passed by the government on the rights of persons with disabilities which empowered the persons with disabilities in India. In our constitution right against discrimination was given with the statement of this right is for everyone with any race, sex, caste etc but no mention about disabled person was given but after the implementation of the rights for people with disabilities it was believed that this right is now for the disabled as well. And many other rights were available for disabled in the constitution which earlier was not for them.

In the foreign countries laws were made for the disabled persons far before when they came into existence in India. After the World war II many soldiers became disabled and they started raising their voices in the foreign countries and their voices were heard and laws were made for them but in India the changes came a little too late. But even after this law came into existence in India only 12 state had enacted this law even after 3 years of its implementation. Most of the states still has not appointed any disability commissioner.

1.3 CONDITIONS OF THE DISABLED THROUGHOUT THE WORLD

If we calculate the world population it is 767.35 crores out of which 15% of the people are suffering from some kind of disability. And if we see the literacy rate of the disabled people according to UNESCO it is less than 3% because 90% of the disabled people do not attend schools. And in some countries over 80% of disabled people are unemployed. The rates of violence against disabled people are increasing everyday. And if we see the current scenario with the pandemic the disabled people are more vulnerable to the covid-19 because the people who are normal are continuing their life online. If they are students they are studying online if they are adults they are doing work from home but the persons with disabilities are having to face problems as the schools that are built for them has been shut and they cannot attend their schools online because the people who are blind cannot have their brail lessons online, the people who are deaf and dumb cannot attend online classes. Public transportations has been shut so the people with disabilities who relied on these transports are not able to go outside of their homes and have been confined in their homes. As the days are passing the number of disabled people are increasing due to chronic conditions and other factors like road accidents, violence and disasters. Disability is more often seen in the vulnerable population like old people, women and poor people.

Now we will look at the conditions of disabled people in different countries individually:

1.3.1 CONDITION IN AUSTRALIA

Australia is a very disable friendly state because the streets are very much accessible for the disabled people. The public transports also have facilities for the ease of traveling for the disabled section of the country. If we look at the laws made for Australian disabled people Disability discrimination Act was passed in 1992 to promote the rights of the disabled people of Australia. Australia is from a few countries who provide carers for the disabled people or for the people in pain. Employment of people with disabilities is also really top notch in Australia. Overall condition of the disabled in Australia is good.

1.3.2 CONDITIONS IN USA

26% of adult people in USA are disabled. USA had made laws for the disabled in the 18th and 19th century, providing them with relief and protection. African American people who are disabled faces discrimination in education and employment and healthcare compared to disabled Americans. Infrastructure for the facility of disabled people is also good as buses and subways are disable friendly. The only problem is faced by African Americans who are disabled otherwise everything is disable friendly from education to employment and healthcare. But this discrimination on the basis of race is unacceptable.

1.3.3 CONDITIONS IN CHINA

There are many laws regarding the disabled people in China. In 1982 law for the protection of disabled in china was passed. In 1986 compulsory education was imposed for the disabled people in china. Even there are sports opportunity for disabled in China in Olympics and Paralympics they can participate and accessibility is top notch. So overall the disabled in China are empowered and pushed to do more. And all the facilities are

provided to them.

2 EMPLOYMENT FOR PEOPLE WITH DISABILITIES

2.1 EMPLOYMENT OPPORTUNITIES IN GOVERNMENT SECTOR

Government of India have saved 3% of opening against distinguished posts in Group 'C' and Group 'D' for individuals with disabilities in Central Government Ministries, Public Sector Undertaking and Banks. The classes of disabled people profited by this plan are the Blind, the Deaf and the Orthopaedically impeded with 1% booking for every classification.

Booking for people with disabilities in Group 'A' or Group 'B' posts will be figured based on complete number of opening happening in direct enlistment portion in all the Group 'A' posts or Group 'B' posts individually, in the unit. Separate programs for Group 'A' posts and Group 'B' posts in the foundation will be kept up.

Different State and U.T. Governments additionally give reservation in positions to the disabled people. There is no commitment on private area to give work to the incapacitated people. Notwithstanding, numerous private area managers presently extend employment opportunities to people with handicaps understanding that their business is a monetarily practical recommendation.

To get the build-up free from opportunities of people with handicaps, Special Recruitment Drives are attempted by different divisions every now and then.

ID of posts in all Groups in the Establishments of the Government of India and Public Sector Undertakings for people with inabilities has been finished.

2.2 EMPLOYMENT OPPORTUNITIES IN PRIVATE SECTOR

Significant changes have brought about the production of recognizable worth in a populace recently minimized by society, particularly with enactment and shares for people with DISABILITIES in the public area. We need to overcome any issues to guarantee people with disabilities arrive at a stage from which to project financial force. The following stage is to go past lawful acknowledgment into market acknowledgment.

For the private area, handicap isn't yet a material supporter of the benefit of a normal organization.

Regardless of a ton of commotions being made about the work of individuals with handicaps in the previous quite a while, particularly in the private area, proportionate outcomes have been tricky.

In 1998, during its corporate exploration study, NCPEDP went to the stunning truth that just around 1 lakh impaired individuals have had the option to get work over the most recent 40 years. It was amazing to take note of that global organizations, who adhere to severe shares and laws for utilizing handicapped individuals in different nations, had utilized minimal measure of disabled individuals in India. The investigation uncovered that the general level of workers with disability was just 0.4% with 0.28% in the private area and 0.05% in Multi-National Companies.

A later report led by Cyber Media Research Ltd. for NASSCOM in 2013 to comprehend the work situation of people with inabilities in the IT - BPM Industry, uncovered that the level of representatives with incapacities versus all out representatives was just 0.36%!

The private area was referenced in The Disability Act just in Clause 41, which ordered the Government to declare motivations to advance work of individuals with handicaps in the general population and private areas. This Clause stayed distinctly on paper till 2007.

In the Union Budget 2007-08, a Central Sector Scheme of giving one lakh occupations for every annum to the people with inabilities, with a proposed expense of Rs. 1800 crores, during the Eleventh Plan, was reported. Under the Scheme, the Government makes the installment of the business' commitment to the Employees Provident Fund and Employees State Insurance for the initial three years, as a motivating force, as a trade-

off for work of people with disabilities with month to month wage up to Rs. 25,000/- each month. In light of the reaction got for a RTI recorded by NCPEDP, the quantity of recipients under the Scheme by Employees State Insurance Corporation was just 457 as on 28th February 2011 and by Employee Provident Fund Organization was simply 186, as on 30th December 2010. Obviously, the Scheme didn't yield the ideal outcome.

Besides, incapacity has yet not been taken at a strategy level is as yet confined to CSR exercises like running IT preparing communities for a modest bunch of outwardly hindered individuals and not in any event, having the option to assimilate every one of them in their own rundown of organizations!

NCPEDP has in the past given direction and consultancy to organizations on setting out open doors for individuals with handicaps, information sharing, preparing, and so on

CII tied up with NCPEDP to improve mindfulness on work for people with disabilities – Its industry bulletin conveyed examples of overcoming adversity of ventures that utilize a considerable number of people with handicaps and furthermore meetings of people who have dominated in their expert fields.

As a piece of NCPEDP's way to deal with backing through acknowledgment of best practices, the Helen Keller Awards since the previous 16 years, have come to be perceived as the most lofty Indian benchmark for respecting individuals and associations which have been running after advancing work openings for people with handicaps.

NCPEDP through its National Convention on Youth with Disabilities (NCYD) additionally furnishes the openness to youth with handicaps to cooperate with coaches who are huge people in the business. This is done to energize organizations, all things considered, to offer youngsters with incapacities a chance to demonstrate they, as well, can work.

3 CONSTITUTIONAL AND LEGISLATIVE PROVISIONS RELATING TO THE DISABLED.

3.1 THE UN CONVENTION ON THE RIGHTS OF PERSON WITH DISABILITIES IN INDIA.

The Convention on the Rights of Disabilities is a global basic liberties settlement of the United Nations planned to secure the Rights and pride of people with disabilities. Gatherings to the show are needed to advance, secure and guarantee the full pleasure in basic freedoms by people with disabilities and guarantee that they appreciate full correspondence under the law.

In the contract of the United Nations it is broadcasted that the innate respect and worth and the equivalent and natural privileges of all individuals from the human family is the establishment of opportunity, equity and harmony on the planet. Also, the United Nations, in the all inclusive affirmation of common liberties and in the International agreements on Economic, Social and social rights. It is assumed that the show would make a critical commitment to changing the significant social disservice of people with handicaps and advance their cooperation in the common, political, financial, and social and social circles with equivalent freedoms, in both creating and created nations. The show on the Rights of Persons with incapacities manages matters, for example, general standards based on which the privileges of the crippled people are to be advanced and ensured, the commitments that host been attempted by the State gatherings to embrace measures. The convention has been added to the current show approving the Committee on the Person with Disabilities to get and consider correspondences from or for the benefit of people or gatherings of people, who guarantee to be survivors of an infringement by a State gathering of the arrangements of the current show.

3.2 CONSTITUTIONAL RIGHTS OF DISABLED PERSONS:

Many rights have been given to the disabled under the constitution which includes

- RIGHT TO WORK
- RIGHT TO LIBERTY
- RIGHT TO FREEDOM OF EXPRESSION

RIGHTS OF DISABLED IN INDIA

- DISABILITY CERTIFICATE

- DISABILITY PENSION
- INCOME TAX CONCESSION

3.3 PERSON WITH DISABILITIES ACT 1995:

Main provisions of the act:

- PREVENTION AND EARLY DETENTION OF DISABILITIES
- EDUCATION
- EMPLOYMENT
- NON DISCRIMINATION
- SOCIAL SECURITY
- RESEARCH AND MANPOWER DEVELOPMENT

4 INSTITUTES AND ORGANIZATIONS FOR THE UPLIFTMENT OF THE DISABLED

There are many Institutes and organizations that has been established in India for the upliftment of the disabled people living in India. They are:

- AAROH
- ADAPT (ABLE DISABLE ALL PEOPLE TOGETHER)
- ADVITYA
- DISABLE WELFARE TRUST OF INDIA
- NATIONAL INSTITUTE FOR THE EMPOWERMENT OF PERSONS WITH DISABILITIES

And nowadays many NGOs are also working for the benefit of the disabled persons

5 CONCLUSION

We were fortunate enough to have been born in an era where there is no discrimination on the basis of anything . Only a few cases are seen in an year but in the past there were no rules and regulations for the rights of people just imagine their life and now just imagine if you would have been born in that era what consequences would have been seen by you. I have a person at my house who is disabled but I know that the government is doing best as they can for the upliftment of the people with disabilities it is just that the people are not literate enough to avail these rights.

In rural places people doesn' t even Know about their rights they don' t know that there are schools and jobs for the disabled people that is why it is not the fault of the government but the mindset of the people who are unable to avail these opportunities.

So the main thing that needs to be done is to educate people about these opportunities.

So that the disabled are really empowered,